



**CHIEF HIGH COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI MATUA
Justice Susan Thomas**

**CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE O AOTEAROA
Judge Heemi Taumaunu**

JURY TRIAL BUBBLE GUIDELINES

1. The following guidelines will be used for the conduct of jury trials in the High Court and the District Court with effect from Tuesday 26 April 2022.
2. These guidelines apply subject to any directions given by the presiding judge in a particular case. The presiding judge may direct that requirements set out in these guidelines do not apply in a particular case if the judge is satisfied that it is in the interests of justice to do so.

Arrival at Court

3. To the extent practicable, the jury panel will be provided with separate entrances to avoid unnecessary contact with other court attendees. The jury panel may be directed to attend a different location from other court attendees.
4. Members of the jury panel will be provided with KN95 masks.¹ Advice and demonstrations on how to correctly fit KN95 masks will be provided by Ministry of Justice staff.

Jury Empanelling

5. The empanelling process will be carried out in accordance with the Jury Rules 1990 as modified during the COVID-19 pandemic. This will include remote pre-balloting of jurors in some cases, and may include use of alternative premises and/or additional courtrooms and spaces in court buildings to safely accommodate the jury panel during the empanelling process.
6. The jury panel will be kept together for the minimum time possible.

Jury Courtroom

7. Where practicable, perspex screens may be installed in appropriate locations including:
 - (a) the dock;
 - (b) the witness box;

¹ All references to KN95 masks include references to masks of an equivalent standard such as P2 masks.

(c) between the Judge's bench and the registrar; and

(d) in front of the benches used by the registrar and counsel.

Masks

8. All individuals present in a jury trial courtroom must wear a KN95 mask. Masks will be provided if required.
9. Unless the presiding Judge directs otherwise, masks will not be removed when speaking, including when counsel are questioning witnesses and presenting oral submissions. If the presiding Judge allows counsel to remove their masks to question witnesses or present submissions, counsel should be located as far as reasonably practicable away from other court participants.
10. The presiding Judge may permit witnesses to remove their masks when giving evidence.

Rapid Antigen Testing (RAT)

11. All court participants² involved in a jury trial will be required to undergo RAT testing on each day of the trial. If a trial extends beyond one week, the presiding judge may direct that in the second and subsequent weeks RAT testing is only required on the Monday and then on every second sitting day.
12. On the first day of the trial, the defendant (if on bail), counsel, court staff and the Judge will be RAT tested before empanelling begins. The jury will be tested immediately following empanelment. The remainder of the jury panel will not be released until all empanelled jurors (and any replacement jurors) have tested negative.
13. Defendants remanded in custody will be tested by the Department of Corrections.

Distancing in the courtroom

14. Every person in the courtroom must comply with any distancing requirements imposed by the presiding judge.

Providing up to date information about Covid status to the Court

15. All court participants and other persons attending the trial must promptly advise the court registry if:
 - (a) They test positive for COVID-19;
 - (b) They become aware that they are a household contact of a confirmed COVID-19 case;

² Court participants include parties, jurors, counsel, court staff, witnesses, interpreters, communication assistants, media representatives and any other person who the presiding judge directs should be treated as a participant in the hearing.

(c) They become aware that they are a close contact of a confirmed COVID-19 case; or

(d) They have symptoms of COVID-19.

Close Contacts and Positive Tests

16. If a juror or other court participant receives a positive COVID-19 test result, they are required to self-isolate. Whether and how the trial may be able to continue will be a matter for the presiding Judge to determine on a case-by-case basis.

17. If a juror or other court participant is a household contact³ of a person with COVID-19, they are required to self-isolate. Jurors qualify as critical workers and may be permitted by the presiding Judge to return to serve on the jury if:

(a) they are asymptomatic; and

(b) they are vaccinated; and

(c) they provide a negative RAT test on a daily basis.

Whether and how the trial may be able to continue will be a matter for the presiding Judge to determine on a case-by-case basis.

18. If a juror or other court participant is a close contact⁴ with symptoms, they are required to get a test. The result of that test should be reported to the court registry. They should not attend court unless they have tested negative and they are advised by court staff that they should attend. Whether and how the trial may be able to continue will be a matter for the presiding Judge to determine on a case-by-case basis.

Date: 20 April 2022

Justice Susan Thomas
Chief High Court Judge

Judge Heemi Taumaunu
Chief District Court Judge

³ For guidance on who is a household contact see [Household Contacts | Unite against COVID-19 \(covid19.govt.nz\)](#).

⁴ For guidance on who is a close contact see [Close Contacts | Unite against COVID-19 \(covid19.govt.nz\)](#).